

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Yolanda I. Grigsby, Deputy Clerk.

**F033234 Richard Boyd Industries, Inc. v. The State Board of Equalization**

Cause called and argued by Dean B. Gordon, Esq., counsel for appellant and by Robert D. Milam, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, April 17, 2001 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Anthony Lauria, Senior Deputy Clerk.

**F036009 Malaga County Water District v. County of Fresno**

Cause called and argued by Neal Costanzo, Esq., counsel for appellant and by J. Wesley Merritt, Esq., Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

**F033019 In re the Marriage of MARY and CHARLES KIRSCHENMANN**

Cause called and argued by Patrick Charles Carrick, Esq., counsel for appellant and by Arthur E. Schwimmer, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, April 18, 2001 at 10:00 A.M.

IN THE

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Fifth Appellate District

**F036371**      **In re Christopher I., a Minor; Tulare County Human Services Agency v. Robin E.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034481**      **People v. Davis**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F037380      In re Olivia C., a Minor**

**Kern County Department of Human Services v. Alfonso V.**

No brief or request for extension of time having been filed within the time provided, the appeal is dismissed.

**F035282      Estate of Rudy Bonzi, Deceased**

That portion of the trial court's judgment (RULING ON PETITION FOR DISTRIBUTION) determining that appellant Lynda Bonzi is not entitled to distribution of both a statutory share as an omitted spouse and the devises made to her by the decedent's will is affirmed. In all other respects, the judgment is reversed with directions to conduct further proceedings in accordance with this opinion.

The parties shall bear their own respective costs. Thaxter, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037500      Autumn L. v. The Superior Court of Madera County; Madera County Dept. of Public Welfare**

The petition for extraordinary writ is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034283      People v. Gutierrez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032961      Ibarra v. Prudential Overall Supply**

The judgment is affirmed. Harris, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035547      People v. Hernandez**

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Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035547      People v. Hernandez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034481      People v. Davis**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035208      People v. Huntley**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035981      People v. Sosa**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035981      People v. Sosa**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033195      C. W. Brower, Inc. v. City of Modesto et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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**F036036      People v. Peters**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F037613      The Porterville College Mens Basketball Team v. Central Valley Community College Athletic Conference of California et al.**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 10(c), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F031876      People v. Hicks**

The battery conviction and the finding defendant suffered a strike conviction in 1992 are reversed and the matter is remanded for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed. Buckley, J.

We concur: Ardaiz, P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034686      People v. Mascorro**

Appellant's petition for rehearing filed herein is denied.

**F035150      People v. Fairchild**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035134      In re Timothy E., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F035134**      **In re Timothy E., a Minor**  
                 The judgment is affirmed.  
                 By the Court.  
                 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F034913**      **People v. Kassem**  
                 The judgment is affirmed.  
                 By the Court.  
                 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]